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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,866	04/10/2001	Timothy Jay Smith	9D-EC-19759	7398
7590	03/09/2006			
John S. Beulick Armstrong Teasdale LLP One Metropolitan Square Suite 2600 St.Louis, MO 63102				
EXAMINER JARRETT, SCOTT L				
ART UNIT 3623		PAPER NUMBER		
DATE MAILED: 03/09/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/829,866	SMITH ET AL.	
	Examiner	Art Unit	
	Scott L. Jarrett	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 3, 2006 has been entered.

Applicant's amendment amended claims 1-20. Currently Claims 1-20 are pending.

Response to Amendment

2. The 35 USC 101 rejection of Claims 1-9 is withdrawn.

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

It is noted that the applicant did not effectively challenge the Officially Noticed fact(s) cited in the previous office action(s) therefore those statements as presented are herein after prior art. Specifically it has been established that it was old and well known in the art at the time of the invention:

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- to calculate the utilization of a delivery agent as a percentage over a specified period of time; and

- to use links that enable users to "drill-down" (navigate) various levels of information (e.g. navigating between month, year, week and day level details in a calendar).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over WebVan as evidenced by at least:

- I. Borders et al., WO 00/68859 (2000), herein after reference A;
- II. Borders et al., WO 00/68856 (2000), herein after reference B; and
- III. Borders et al., U.S. Patent Publication No. 2001/0047285, herein after reference C (cited in office action dated September 2, 2005).

Regarding Claims 1, 10 and 19 WebVan teaches a system and method of displaying (presenting, providing, illustrating, drawing, etc.) the capacity utilization of a goods (product, parcel, item, package, material, etc.) delivery system having a least one delivery agent location, address and delivery zone (area, region, unit, route, etc.) comprising (reference A: Pages 18-19, 37-39, 46-48; Figures 1, 3, 6, 7A-7B; reference B: Pages 18, 23-24, 29, 33-41, 46; Figure 3; reference C: Paragraphs 0034-0036, 0043, 0045-0048, 0060, 0076, 0084 0088- 0096, 0109, 0116, 0120, 0125, Figure 1, Elements 118, 128):

- getting (retrieving, receiving, entering, etc.) delivery agent (personnel, resource, shipper, carrier, etc.) information of a delivery agent that delivers a plurality of

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goods (reference A: delivery, transportation (XPS) subsystems; Page 5, lines 15-30; Number 3, Page 10; "Capacity and ATP Calculating", Page 18, Lines 1-31; Pages 37, Lines 1-30; Figure 1, Elements 110, 124, 150; reference C: Figure 1, Elements 106, 108, 112, 118);

- calculating (determining, generating, etc.) a first delivery capacity (availability, time slot, delivery time/window/appointment, itinerary, schedule, etc.) for the delivery agent (courier, truck, van, tote, container, shipper, etc.) information (reference A: capacity database, available-to-promise, capacity profile, capacity planning; Page 5, Lines 23-30; Page 18, Lines 1-31; Page 37, 1-30; Page 53, Lines 28-33; reference C: Paragraphs 0060, 0076, 0084, 0088-0096, 0109, 0116, 0120, 0125; Figures 6-8);

- calculating a portion of the delivery capacity used (reserved, booked, scheduled, unavailable, full, etc.) for the delivery agent information (reference A: Page 5, Lines 23-30; Page 18, Lines 1-31; Page 37, Lines 1-30; "Cust. Capacity Alloc.", Figure 1, Element 130; Figure 7A, Elements, 18, 20, 34; reference C: Paragraphs 0056-0056);

- displaying a periodic calendar format illustrating (displaying) the delivery agent information and delivery agent information (statistics, numbers, parameters, metrics, values, data, etc.) for a respective zone (area, route, unit, region, etc; reference A: Page 7, Lines 9-14; Figure 12) for each day in the respective period (time slot, window, appointment, schedule, itinerary, etc.; reference A: zone window creator, delivery window estimator, delivery grid; Page 18, Lines 1-31; Page 19, Lines 1-18; Number 4, Page 44; Page 46, Lines 1-9; Page 37, Lines 1-30; Figures 7A, 7B, Elements 4, 10-20;

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“One function of the Transportation Subsystem is to generate a list of available delivery windows (for presentation to the customer) based upon transportation capacity data such as for example the number of couriers available, the number of delivery vehicles available, the number of orders for a particular day, truck routes, etc.”, Page 18, Lines 28-31; reference C: Paragraphs 0007, 0045, 0077-0079, Figures 5, 9 and 13);

- determining whether the first delivery capacity of the delivery agent to deliver the goods during the first period is exceeded (booked, over allocated, over utilized, extended, full, etc.; reference A: delivery window estimator component, XPS, etc.; Page 18, Lines 1-31; Page 19, Lines 1-18; Page 37, Lines 1-30; Page 38, Lines 9-30; Page 39, Lines 1-13; Page 47, Lines 6-8 and 23-33; Figures 7A, 7B, Elements 10-20; “When the customer selects the counter ice cream to be added to his or her shopping cart, the Webstore Subsystem may first determine, for example, the selected item availability (e.g. available quantify for the specified delivery date), the storage temperature of the item, whether there are sufficient human resources to fulfill the item order by the specified delivery time, and whether there are sufficient transportation resources available to deliver the item by the specified time, including whether there is sufficient space in the freezer section of the delivery vehicle to accommodate the ordered item on the specified delivery date.”, Page 39, Lines);

- determining whether a second (another) deliver capacity of the delivery agent to deliver the goods during a second period is exceeded (reference A: Page 18, Lines 1-31; Page 19, Lines 1-18; Page 37, Lines 1-30; Page 38, Lines 9-30; Page 39, Lines 1-13; Page 47, Lines 6-8 and 23-33; Figures 7A, 7B, Elements 10-20); and

- determining to deliver the goods during the second period upon determining that the second delivery capacity is not exceeded, wherein the goods are configured to utilizing the second delivery capacity (time slot, appointment, window, etc.; reference A: Page 18, Lines 1-31; Page 19, Lines 10-18; Page 37, Lines 1-30; Page 38, Lines 9-30; Page 39, Lines 1-13; Page 47, Lines 12-16; Figures 7A, 7B, Elements 10-20; "the WebStore subsystem reserves a sufficient amount of capacity in the selected subsystems to ensure that the ordered item can be successfully fulfilled and delivered to the customer by the specified delivery date and time.", Page 39, Lines 11-13).

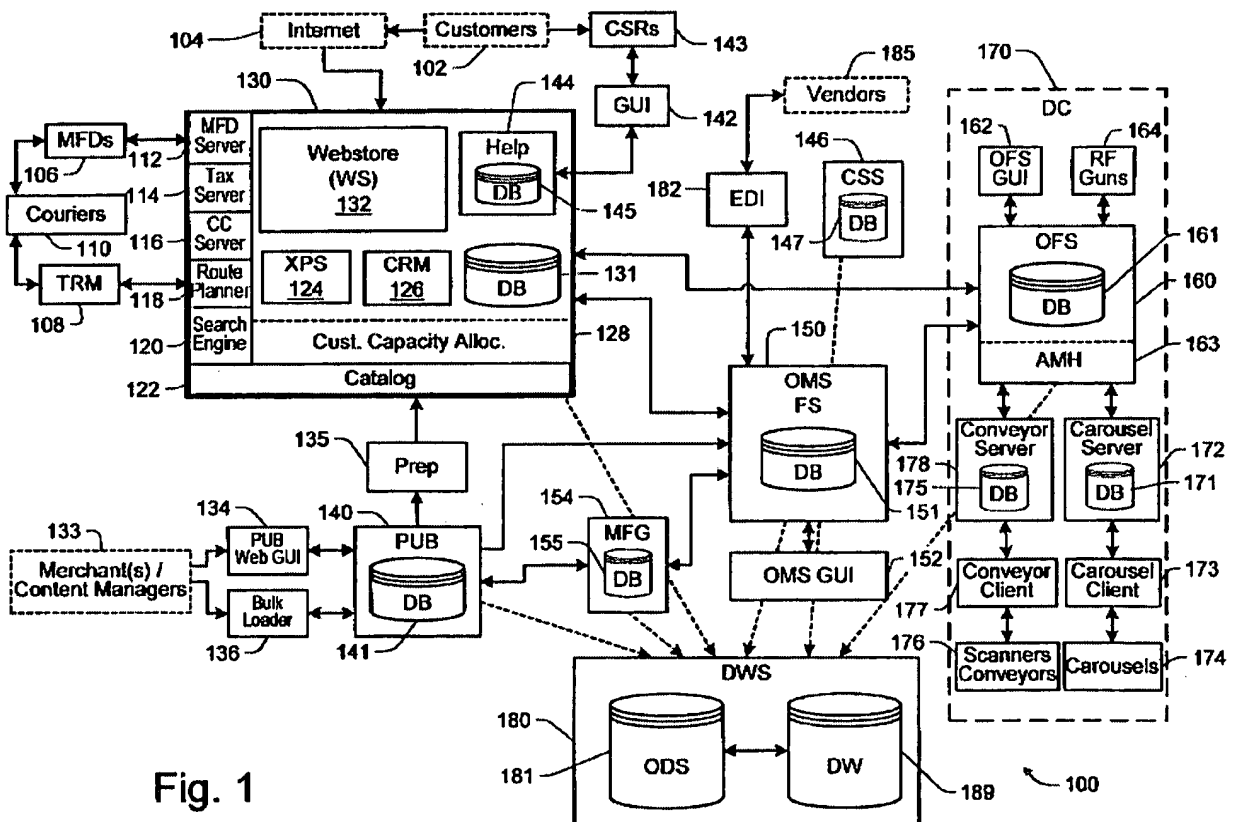


Fig. 1

Figure 1: reference A, Figure 1

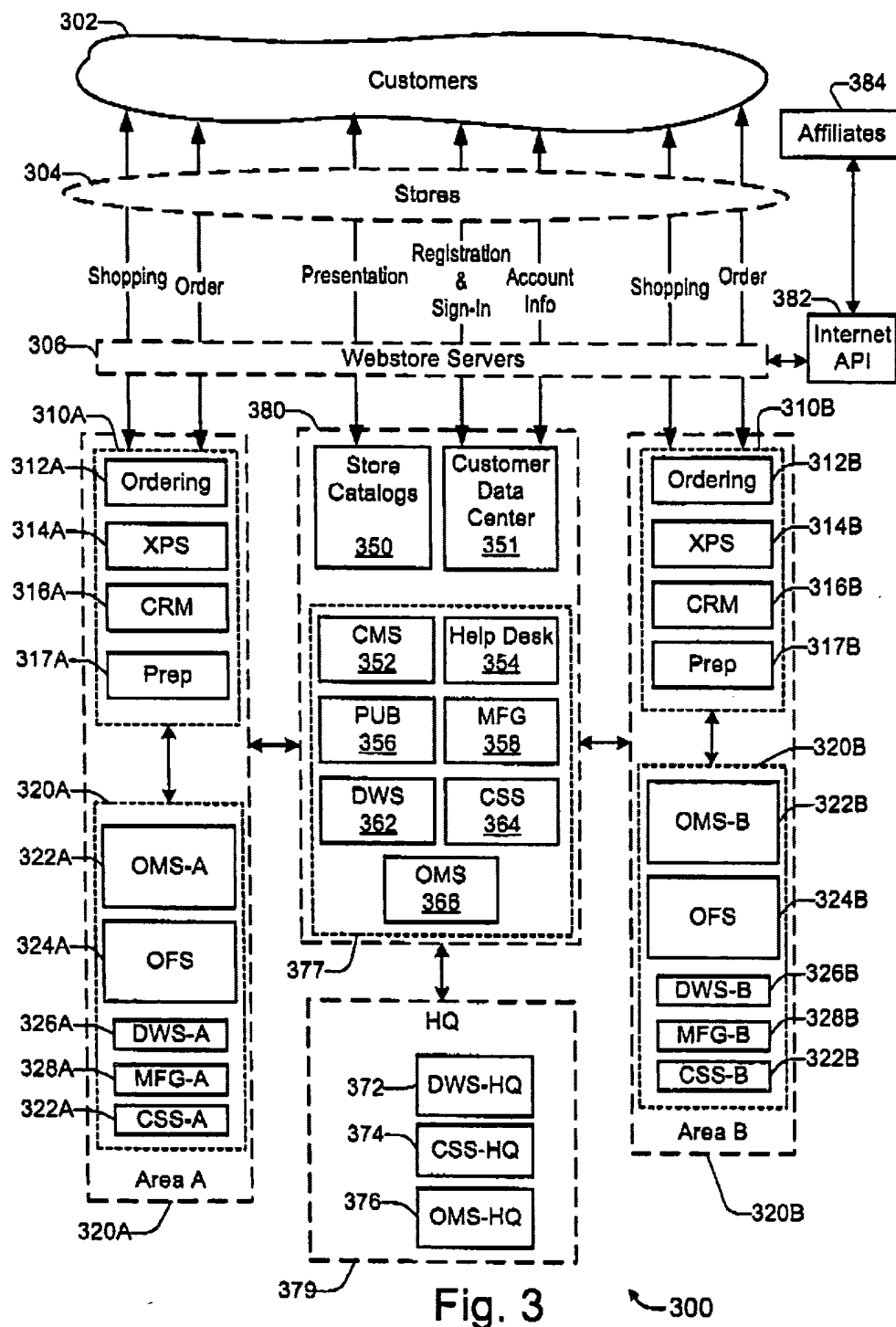


Figure 2: reference A, Figure 3

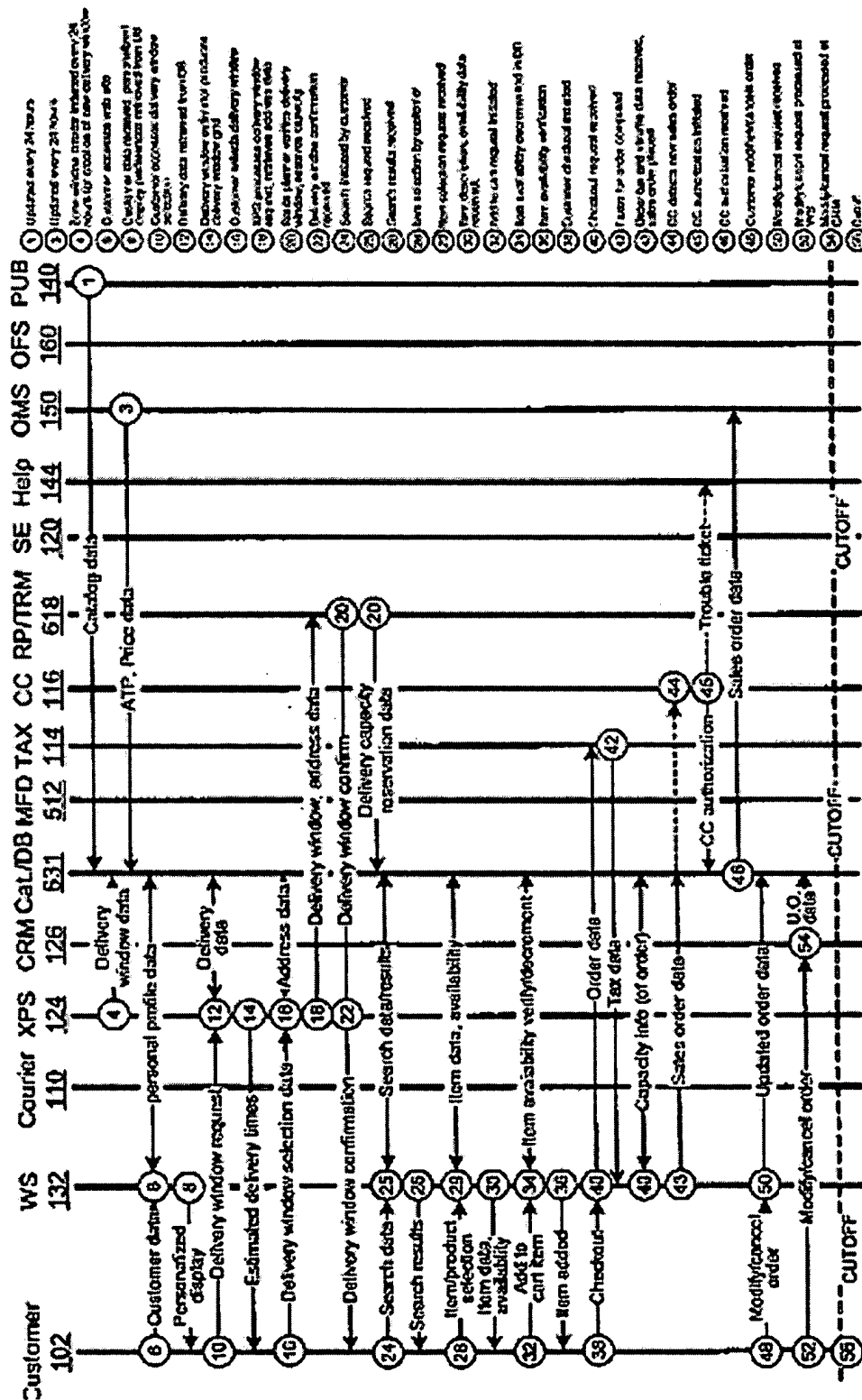


Fig. 7A

Figure 3: reference A, Figure 7A

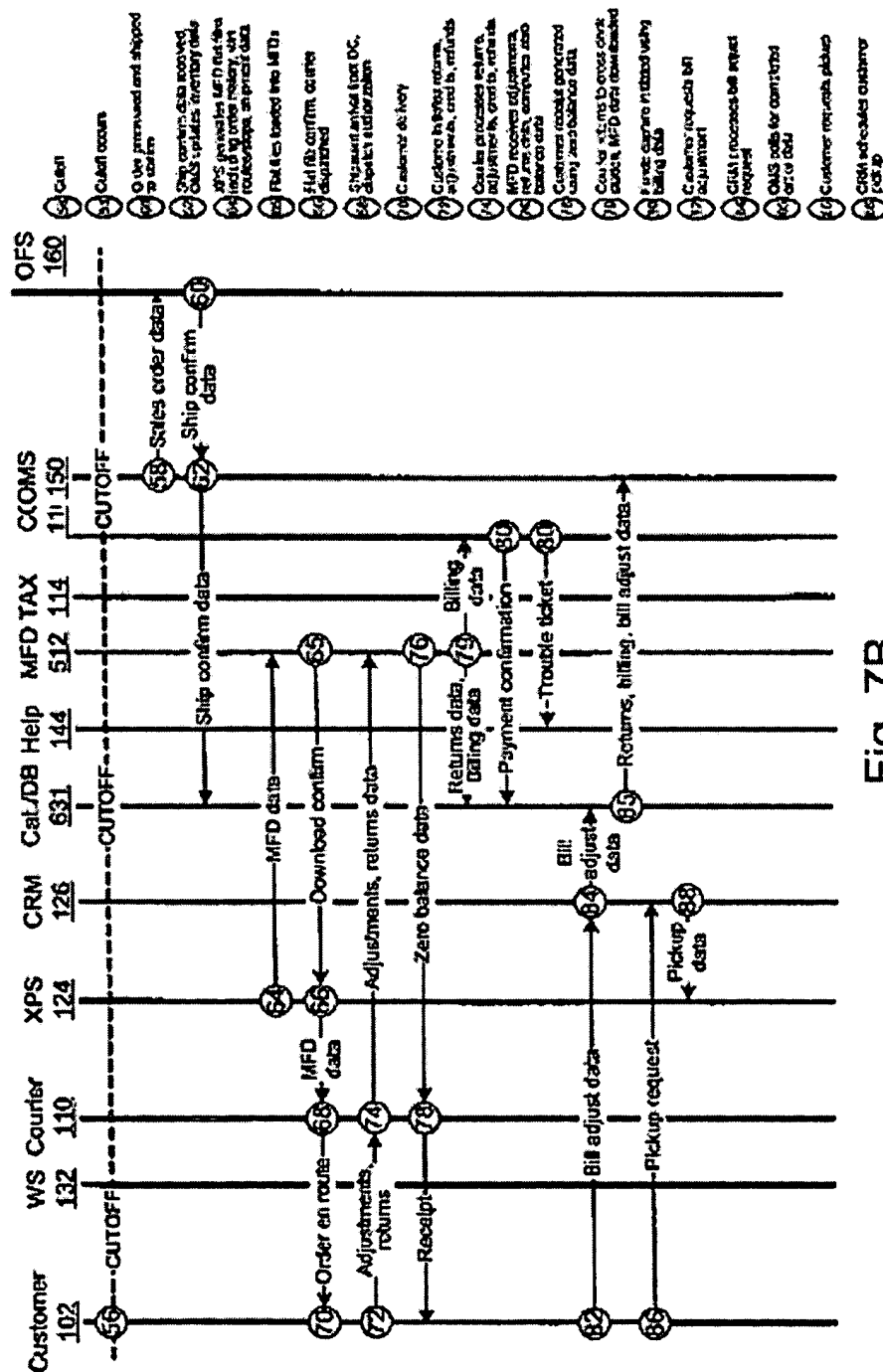


Fig. 7B

Figure 4: reference A, Figure 7B

		8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00
02/10/2001	Sun	X			H		X	(X)	X	X	X	X	X	
02/11/2001	Mon						H	(X)	(X)	X	X	X	H	
02/12/2001	Tue							(X)	(X)	(X)	X			
02/13/2001	Wed							(X)	(X)	(X)				
02/14/2001	Thu						(X)	(X)	(X)	(X)				
02/15/2001	Fri						(X)	(X)	(X)	(X)				
02/16/2001	Sat						(X)	(X)	(X)	(X)				

FIG. 13

Figure 5: reference C, Figure 13

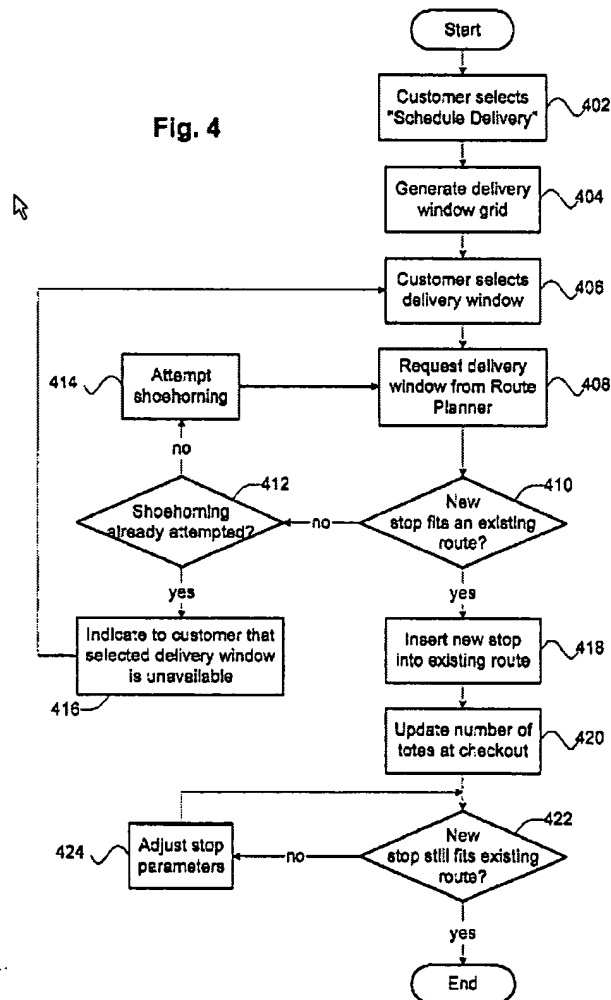


Figure 6: reference C, Figure 4

While WebVan teaches an Internet-based system and method that enables users to purchase and schedule the delivery of a plurality of goods using well known Internet/Web approaches/technologies (e.g. catalogs, search, web pages, etc.) WebVan does not expressly teach that the periodic calendar format is further adapted to have drill-down capability as claimed.

Official notice, as cited in the previous office action(s) that providing a drill down capability in order to provide additional (daily, hourly, weekly, monthly, yearly, etc.) data as part of a calendar is old and very well known wherein such a capability enables users to efficiently and/or effectively navigate between the various "levels" of information.

It would have been obvious to one skilled in the art at the time of the invention that the system and method for displaying and reserving delivery agent capacity as part of a goods delivery system as taught by WebVan would have benefited from providing a drill down capability as part of the periodic calendar display of delivery agent information (availability) in view of the teachings of official notice; the resultant system/method providing users with an effective/efficient mechanism to navigate the various levels of delivery agent information.

While WebVan teaches that the goods delivery system reserves the appropriate/necessary delivery agent capacity (vans, trucks, totes, container, goods, etc.) to ensure the fulfillment and delivery of customer orders (goods delivery) WebVan

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does not expressly teach that second (subsequent, additional, etc. items/goods) utilize the entire second delivery capacity as claimed. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific amount of capacity utilized by second order/order items. Further, the structural elements remain the same regardless of the specific amount of capacity utilized by second order/order items. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Regarding Claims 2, 11 and 20 WebVan teaches a method and system of displaying the capacity utilization of a goods delivery system wherein the delivery agent information (data, numbers, statistics, values, etc.) is at least one of the following (selected from the group consisting of): delivery capacity, reserved capacity or deliveries (reference A: number of trucks/vans, couriers, totes, routes, orders, etc.; Page 37, 1-30; Page 37, Lines 5-8; Page 38, Lines 8-17; Page 42, Lines 11-14; “the Webstore subsystem reserves a sufficient amount of capacity in the selected subsystems to ensure that the ordered item can be successfully fulfilled and delivered to the customer by the specified delivery date and time.”, Page 39, Lines 11-13; “a schedule listing delivery times specific to that subzone can be shown...If additional trucks or vans are available at a particular time, that will be reflected in the displayed

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scheduled.”, Page 18, Lines 18-24; “Webstore may then display the reserved and available delivery windows to the customer.”, Page 19, Lines 5-6; reference C: Paragraphs 0078-0080, 0084, 0088, 0091).

Regarding Claims 3 and 12 WebVan teaches a method and system of displaying the capacity utilization of a goods delivery system further comprising calculating the deliveries scheduled for the delivery agent information (reference A: route planner/planning, delivery vehicle routing, delivery, transportation, mobile filed device and dispatch subsystems, Descartes; Number 3, Page 10; Page 18, Lines 1-31; Figure 1, Elements 108, 118; reference B: route planning, Pages 37-38; load planning, Page 46; reference C: Paragraphs 0028, 0034, 0045-0048, 0060; Figures 1, 3, 4-5).

Regarding Claims 4 and 13 WebVan teaches a method and system of displaying the capacity utilization of a goods delivery system further comprising calculating the capacity utilization per day for the delivery agent information (reference A: capacity profile, capacity and ATP calculations, Page 18, Lines 28-31; Page 37, Lines 1-31; Page 38, Lines 1-13; Page 39, Lines 1-13; reference B: “the distribution center 120 is associated with a distribution capacity (measured as an amount of distribution resources available) for processing orders in a given time frame.”, Page 23, Lines 1-3).

WebVan does not expressly teach expressly the delivery agent capacity per day as a **percentage** as claimed.

Official notice is taken that expressing data, specifically utilization/usage data, as a *percentage* is old and very well known and provides a convenient and/or intuitive mechanism for illustrating/communicating the capacity of a resource (e.g. a specific delivery route is 50% reserved vs. 30 out of a possible 60 orders have been reserved). Accordingly it would have been obvious to one skilled in the art at the time of the invention that the system and method for displaying capacity utilization of a goods delivery system as taught by WebVan would have benefited from using any of a plurality of numerical, mathematical and/or statistical formats to display (present, illustrate, present, convey) the plurality of delivery agent utilization/usage data, including displaying the capacity utilization of a delivery agent as a percentage in view of the teachings of official notice.

Further it is noted that the type of mathematical or other known statistical format that is used to convey/illustrate the capacity utilization of a resource (delivery agent) merely represents non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific format used to convey/illustrate the capacity utilization of a resource. Further, the structural elements remain the same regardless of the specific format used to convey/illustrate the capacity utilization of a resource. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381,

1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Regarding Claims 5 and 14 WebVan teaches a method and system of displaying the capacity utilization of a goods delivery system further comprising marking out (not indicating, not displaying, not highlighting, not showing, etc.) out of capacity (unavailable, booked, scheduled, capacity exceeded, out-of-stock, reserved, "x-ing out", etc.) conditions (reference A: Page 19, Lines 1-17; Page 37, Lines 11-31; Figure 7A, Elements 10-20; reference C: Figure 13).

Regarding Claims 6 and 15 WebVan teaches a method and system of displaying the capacity utilization of a goods delivery system wherein the delivery agent information is at least one of the following (selected from the group consisting of): delivery agent location, delivery agent name, delivery agent code, delivery management system schedule name or delivery agent zone group name (tote license ID, mobile filed device, route/zone name/number, etc.; reference A: Page 20, Lines 9-30; Page 34, Lines 10-13; Page 46, 18-23; Figure 12; reference C: Paragraphs 0034-0036, 0043, 0045-0048, 0050, 0056-0065).

Regarding Claims 7-8 and 16-17 WebVan teaches a method and system of displaying the capacity utilization of a goods delivery system further comprising displaying any desired timeframe of delivery agent information (data, numbers, values,

statistics, etc.) on a periodic calendar basis (delivery window grid, daily, monthly, etc.; reference B: "a grid is shown of available delivery times. The grid can start with the earliest possible delivery relative to the current cutoff time and show the next few days.", Page 33, Lines 23-25; "In this example, only a few days worth of delivery times are shown. This can be adjusted based on the particular system and customer preferences.", Page 34, Lines 10-12).

Further it is noted that the specific time frame used to display the delivery agent information merely represents non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific time frame used to display the delivery agent information. Further, the structural elements remain the same regardless of the specific time frame used to display the delivery agent information. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Regarding Claims 9 and 18 WebVan teaches a method and system of displaying the capacity utilization of a goods delivery system wherein the delivery agent statistic (data, information, metrics, values, parameters, etc.) is at least one of the following (selected from the group consisting of): default capacity, override capacity, capacity

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usage or percent capacity usage (reference A: available/reserved space, vehicle usage, number of orders/day, number of vehicles/day, number of couriers, available, etc.; Page 18, Lines 9 and 29-31; Page 37, Lines 4-30; Page 38, Lines 9-10; Page 39, Lines 1-13; reference C: Paragraphs 0056-0065, 0076 0084, 0086).

Further it is noted that "default" and "override" are arbitrary labels applied to delivery agent utilization/usage data and as such represent non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific labels used. Further, the structural elements remain the same regardless of the specific labels used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Donnelly et al., U.S. Patent No. 6,049,776, teach a method and system of determining and displaying, in a periodic calendar format, the capacity utilization of a plurality of resources (human resources) wherein users can schedule (reserve) resources for any of a plurality of tasks/activities/projects based on the resources capacity/availability (e.g. users can assign tasks to resources when their capacity, as displayed, has not been exceeded).

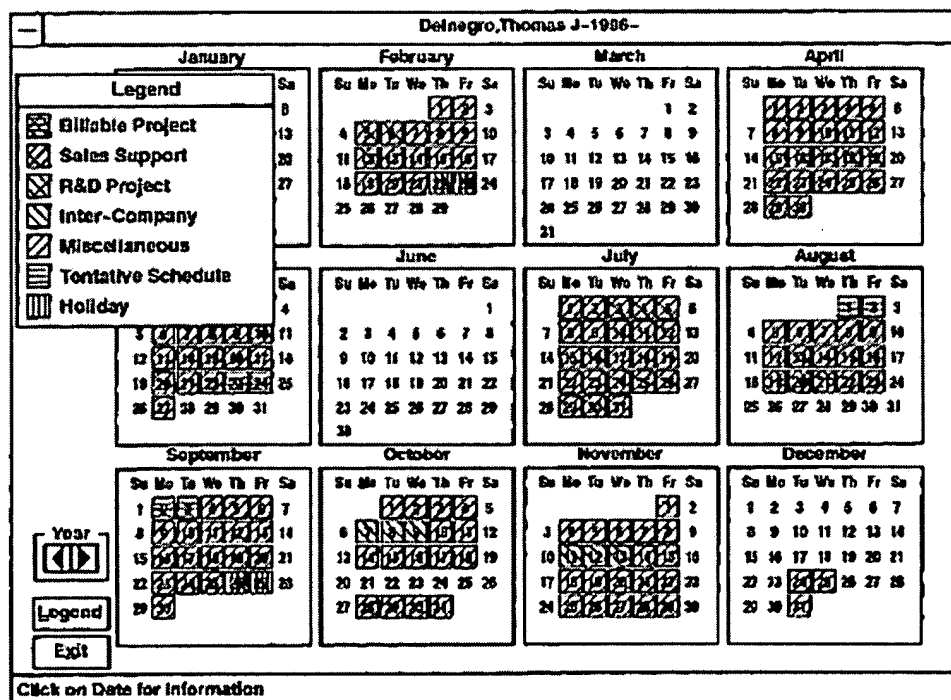
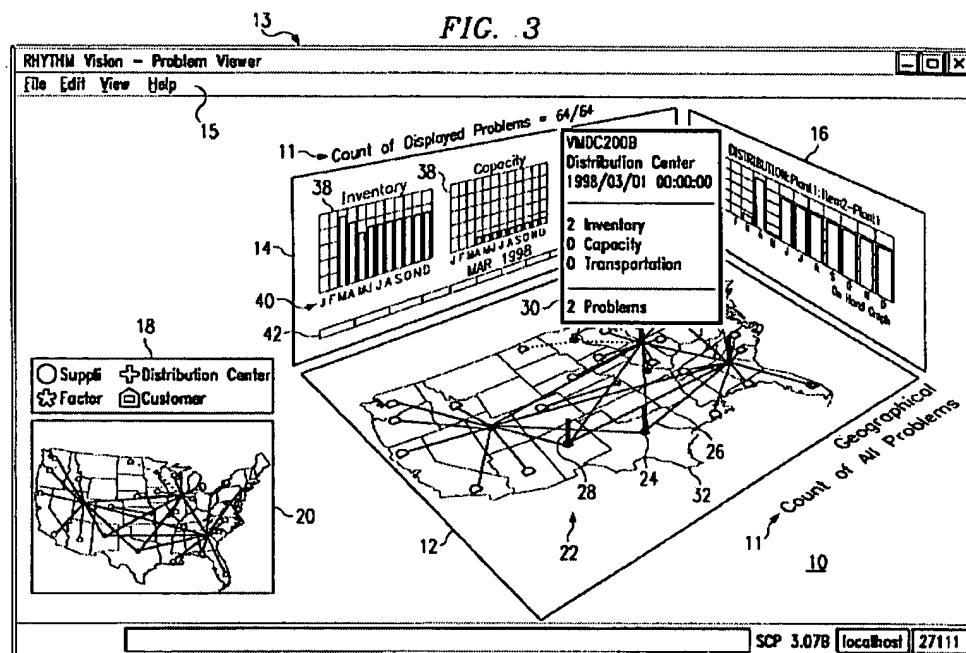


Figure 9

- Ross et al., U.S. Patent no. 6,307,509, teach a system and method for determining and displaying the capacity utilization of a goods delivery system (supply chain).

- Yablonski et al., U.S. Patent No. 6,577,304, teach a system and method for determining and displaying the capacity utilization of a goods delivery system (supply chain) wherein a periodic calendar format is utilized to illustrate resource statistics.



- Simon et al., U.S. Patent No. 6,985,871, teach an Internet-based system and method for scheduling goods delivery via a goods delivery system.

- Davidson et al., U.S. Patent No. 7,003,720, teach a system and method for determining and displaying the capacity of a goods delivery system having at least one delivery agent location, address and delivery zone comprising calculating capacity used for a delivery agent, utilizing a periodic calendar format to illustrate delivery agent information and statistics for a respective zone for a respective day, drill-down capability

to display additional details, determining whether a first/second period capacity has been exceeded and determining to delivery good during a period where capacity has not been exceeded.

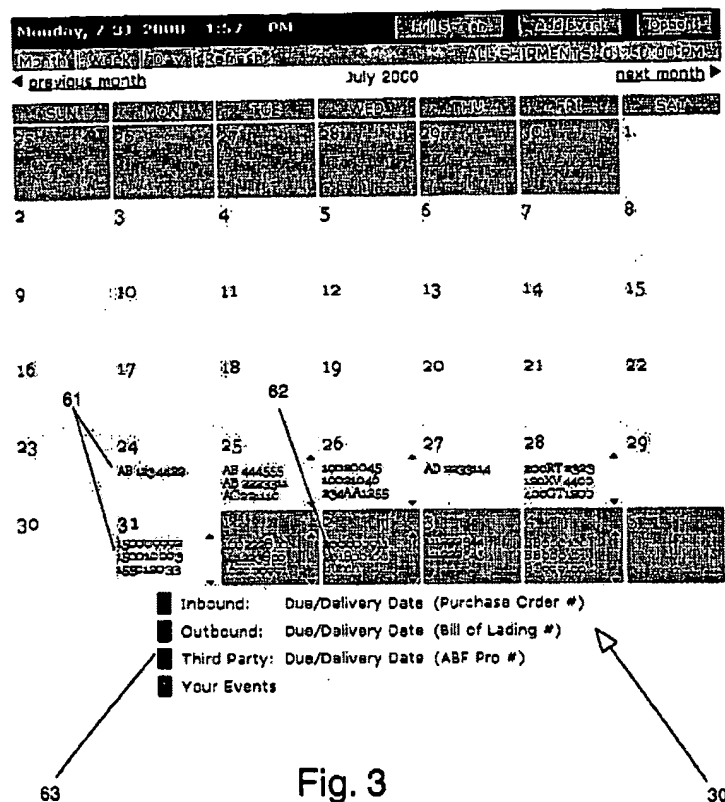


Fig. 3

- Florence et al., U.S. Patent Publication No. 2002/0007299, teach a system and method for determining and displaying the capacity utilization of a goods delivery system comprising displaying delivery agent statistics/information in a periodic calendar format as well as determining to schedule goods delivery when the delivery agent/resource capacity has not been exceeded (maximum number of orders).

- MacDonald et al., U.S. Patent Publication No. 2002/0099576, a method and system for determining and displaying the capacity utilization of a system comprising the display of capacity utilization information and statistics and determining to schedule

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(reserve) capacity in the system when a period's capacity is not exceeded (unavailable, already booked/reserved).

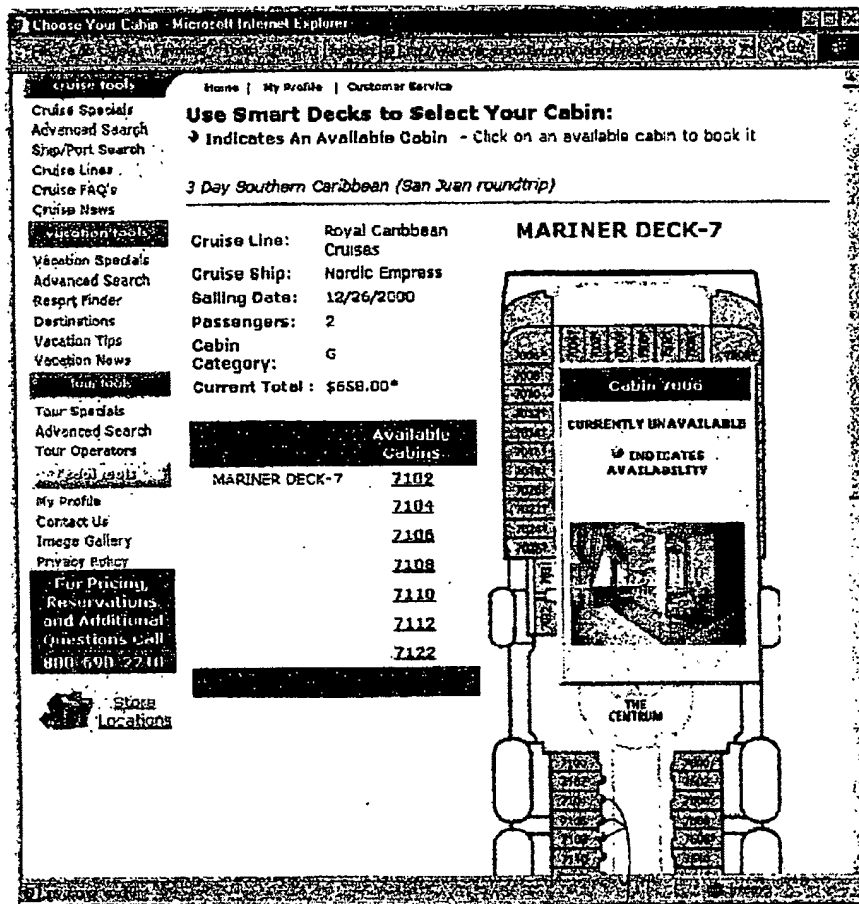


FIG. 3

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- Royer et al., U.S. Patent Publication No. 2005/0187833, teach a system and method for determining and displaying the capacity utilization of a goods delivery system, the goods delivery system having at least one delivery agent location, address and delivery zone and comprising getting delivery agent information, calculating a first delivery capacity, calculating usage information for the delivery agent based on a single day and zone, illustrating in periodic calendar format delivery agent information and

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statistics, drill-down capabilities, determining whether a delivery capacity has been exceed and determining to deliver goods (make a reservation) during a second period upon determining that the first period capacity is exceeded.

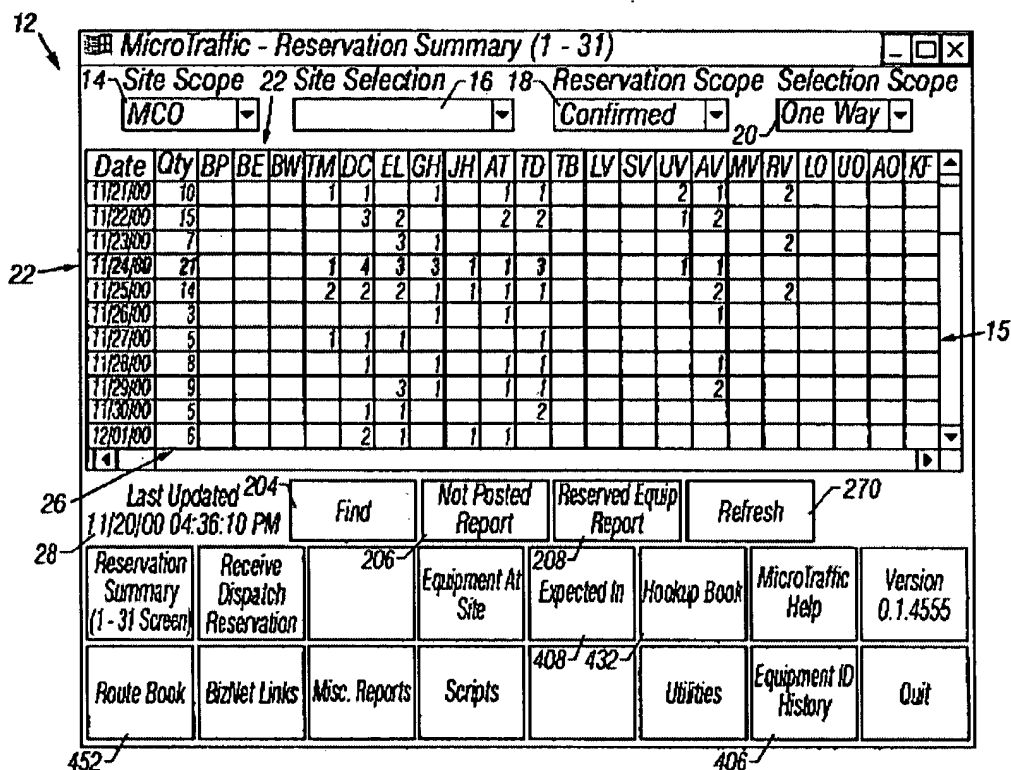


FIG. 1

- KAO, Corp, JP405135070A (1993), teaches a system and method for determining the capacity utilization of a goods delivery system and determining to schedule the delivery of goods when capacity is not exceeded.

- Treacy, Michael et al., Customer Intimacy and Other Value Disciplines (1993) teach GE's goods delivery system and method (Direct Connect) wherein the system/method enables users to order and *schedule the delivery*, based on *availability* of the appliance and delivery agent, GE appliances.

- Somheil, Timothy, Bringing Good Things to Market (1997) teaches GE's goods delivery system and method (GE Customer Net) wherein "customers access to GEA inventories, allowing them to place orders online, **check delivery schedules**, and readily access their complete GE buying history and invoice records" (emphasis added).

- Harrington, Lisa, High tech trucking improves fleet performance (1999) teaches a plurality of commercially available goods delivery systems and methods wherein several of the commercial systems/methods determine delivery agent capacity/utilization information/statistics and deliver (schedule, route, etc.) accordingly.

- Descartes Offers Breakthrough Revenue Management and CRM Capabilities For Consumer Direct and B2B Operations (2000) teaches a commercially available goods delivery system and method comprising delivery self-scheduling, yield and customer relationship management (e-scheduler) whose "goal is to sell a fixed capacity of perishable commodities as profitably as possible. In today's world of high-speed delivery of products and services, route delivery capacity has become one of those perishable commodities."

- Wilner, Frank, Is a web-centric approach the way to go? (2000), teaches a goods delivery system and method that enables Home Depot customers to order (purchase and have delivered/installed) GE appliances.

- Deutsch, Claudia, G.E.'s Management Methods Are Put to Work on the Web (2000) teaches "GE Appliances decided last year to set up a web-based system to **arrange delivery of G.E. products to people** who bought them at Home Depot" (emphasis added). Deutsch further teaches that "The resulting system, which is

operating in about 600 of Home Depot's 980 stores, lets sales representatives enter a customer's order on the Web, and arrange for delivery to the customer's home directly from a G.E. warehouse."

- CarTemps MPOWERENT (2000) teaches a system and method for determining, displaying and reserving delivery resources (cars).

- Descartes e-Fulfillment web pages (2000) teaches the commercial availability of a goods delivery system and method (DeliveryNet.Home, e-scheduler, etc.) comprising real-time visibility and status reports on delivery activity, monitoring delivery performance, delivery capacity self-scheduling, demand planning, delivery routing and load optimization.

- Scheduling Software Helps WebVan Meet 30-Minute Delivery Window (2000) teaches a system and method for determining, displaying and scheduling/reserving goods delivery capacity as part of a goods delivery system wherein "Webvan customers view a page consisting of columns, by day, with delivery times indicated in 30-minute allotments...In each column is either a green circle meaning the delivery window is available, a green house indicating the window is open and a delivery is occurring in the customers neighborhood during that time, or the international "NO" symbol of a red circle with a slash." The article further teaches "When the software realizes no additional delivery can be made within a given time frame, the window is closed."

- Nelson, Dorothy, Portfolio/Resume (2006), teaches the graphical user interface she helped design/test for WebVan, specifically the "delivery grid", while a WebVan employee from February 2000-April 2001.

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Webvan.com - The World's Market at Your Doorstep - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address: <http://qa001-ws-01.inworld.com/WV/default.asp> Go

Links: [Customize Links](#) [Free Hotmail](#) [Windows](#)

WV
webvan
WEBVAN - BAY AREA

Your Current Delivery Address: 357 Lakeside Drive # 2, Foster City, CA 94404
[Change Delivery Address](#)
Please note that the selected time is not confirmed until you check out.
[Back](#)

Welcome, Joe

[My Lists](#) [My Account](#)
[My Personal Market](#)
[My Special Offers](#)

1 Signed In, click to Sign Out
2 **Schedule Delivery**
Schedule delivery time now for best availability.
3 Shop and Check Out
[View Cart](#)
Your Subtotal: \$0.00

Click on one of these icons to schedule your delivery.

☒ Filled Window ☐ Available Window We'll be in Your Neighborhood

	Thu 3/29	Fri 3/30	Sat 3/31	Sun 4/1	Mon 4/2	Tue 4/3	Wed 4/4
7:00-8:30AM	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8:00-9:30AM	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9:00-10:30AM	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10:00-11:30AM	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>
11:00-12:30PM	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12:00-1:30PM	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
1:00-2:30PM	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2:00-3:30PM	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3:00-4:30PM	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4:00-5:30PM	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5:00-6:30PM	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6:00-7:30PM	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7:00-8:30PM	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8:00-9:30PM	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9:00-10:30PM	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Delivery windows are filled on a first-come, first-served basis. We encourage you to schedule delivery before you shop by clicking the "Schedule a Delivery" link on the left panel.

There are 0 items in this Delivery

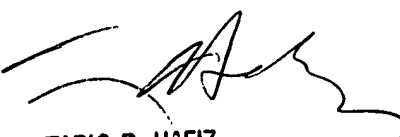
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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S. 
3/3/2006


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TECHNOLOGY CENTER 9909